

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIA BELBIS, et al.,

Plaintiffs,

v.

COUNTY OF COOK,

Defendant.

No. 04 C 3940  
Judge James B. Zagel

**MEMORANDUM OPINION AND ORDER**

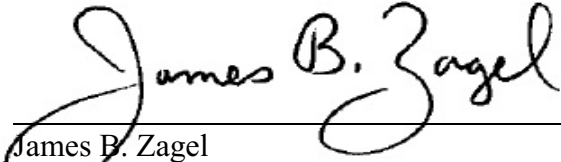
This is a dispute over class certification under the FLSA. After considering the parties' arguments, I am persuaded that Plaintiffs are entitled to try to prove that procedures, claimed to be in effect, to provide for outside-of-shift and meal period work, are inadequate to insure generally that such work will be properly paid for in an environment where refusal to work may endanger human life, health, and physical safety. The fact that individual plaintiffs may have more or less unpaid work does not erase the commonality of the issue, though it may require an administrative procedure solution if liability is proved and damages awarded. Alternatively, it may require damage claims to be presented by individual rather than class claims. In short, the claim is that Defendant's pay rules are legally correct, but its administration of those rules systematically fails to ensure a reasonable level of compliance and systematically provides an incentive to disregard them.

The class action format has one further justification. There is a crucial issue common to all Plaintiffs, i.e., whether all or nearly all claims are lost because of failure to arbitrate under Collective Bargaining Agreements. Resolution of this issue on a general basis is probably of equal value to Defendant as it is to Plaintiffs and ought to be dealt with in a class context.

The motion to facilitate notice under § 216(b) of the FLSA is granted.

The notice shall be in the form proposed by Plaintiffs absent objections to the form filed by Defendant within 14 days.

ENTER:



James B. Zagel  
United States District Judge

DATE: October 11, 2007